

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>In re: GMS SUNSET, LLC</b>	:	
<b>Debtor</b>	:	<b>Case No. 23-11315-KHK</b>
	:	<b>Chapter 11</b>
	:	

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**MOTION TO AUTHORIZE USE OF CASH COLLATERAL**

**COMES NOW, the Debtor, GMS SUNSET, LLC, by counsel,**

**and moves the Court for entry of an Order pursuant to 11 U.S.C. Sections 361**

**and 363 and Rule 4001 of the Federal Rules of Bankruptcy Procedure,**

**authorizing the Debtors' use of cash collateral and the granting of certain**

**adequate protection, and in support thereof, respectively represents as follows:**

- 1. On August 17, 2023 the Debtor, GMS Sunset, LLC commenced a reorganization case by filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.**
- 2. GMS Sunset, LLC is a single asset real estate Debtor which owns a parcel of real estate located at 294 Sunset Park Drive, Units 11 and 12, Herndon, Virginia 20170 ("the property").**
- 3. The "property" is leased by GMS Sunset, LLC to Amphora Bakery, Inc.**

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**Nathan Fisher  
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**4. In order to purchase the “property”, GMS Sunset, LLC obtained a loan, in 2004, in the original amount of \$469,000.00, from Virginia Asset Financing Corporation, which is guaranteed by the Small Business Administration.**

**5. As a condition of obtaining financing for the “property”, an Assignment of Leases and Rents agreement was entered in to by GMS Sunset, LLC and Virginia Asset Financing Corporation (“Assignee”) for further assignment by Assignee to the United States Small Business Administration.**

**6. Pursuant to the Assignment of Leases and Rents agreement, the lender has a perfected security interest in the rent that the Debtor receives for the leasing of the “property”. To the best of the Debtors’ information and belief, the lender is the only creditor of the Debtors’ with a lien upon the Cash Collateral.**

**7. In order to remain in possession of the property and continue business activity, the Debtor must use their cash collateral in their ordinary business operations.**

**WHEREFORE, the Debtor seeks entry of an Order pursuant to Sections 361 and 363 of the Bankruptcy Code authorizing the: i) use of cash collateral; ii) granting of certain adequate protection to the Lender in connection with such**

use; and, granting such other and further relief as the Court may deem proper.

GMS Sunset, LLC  
By Counsel

Date: September 4, 2023

/s/ Nathan Fisher  
Nathan Fisher, VSB #37161  
Debtor's Counsel  
Fisher-Sandler, LLC  
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Certificate of Service

I hereby certify that I have this 4th day of September, 2023 mailed, by certified mail, return receipt requested or served via the CM/ECF System, the foregoing Motion to Authorize the Use of Cash Collateral to the parties listed above and to each of the parties on the attached mailing matrix;

/s/ Nathan Fisher  
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